

Planning and Zoning Commission Meeting

Minutes of March 7, 2007

Work Session (1st Floor; Public Works) – 4:00 PM

The Commission and staff reviewed the agenda and discussed the steep slopes wording amendment. Mr. Shuford distributed several late-arriving comments on the ordinance.

Regular Session (1st Floor; Public Works) – 5:00 PM

Call to Order: Chairman Byers called the meeting to order at 5:04 PM.

Attendance:

Members Present:
Tom Byers, Chair
Steve Sizemore, Vice-Chair
Buzzy Cannady
Darryl Hart
Jerome Jones
Cindy Weeks

Member(s) Absent:
David Young

Mr. Byers called for action on the minutes of February 7, 2007. On motion by Mr. Sizemore, with a second by Mr. Jones, the minutes were approved unanimously (6-0).

Mr. Byers noted the following adjustments to the agenda: Ordinance change on temporary uses - to be continued to April 4, 2007. Mr. Byers called for action to continue this item to April 4, 2007. Mr. Jones moved to continue the item; the motion was seconded by Mr. Cannady and it passed unanimously (6-0).

Mr. Byers reviewed the agenda and the public hearing procedures.

Agenda Item	
Level III site plan review for the project identified as the <u>Westmont Commons Phase II</u> , located at 120 Chamberlain Drive for 72 apartments units. The owner is Westmont Commons Apartments, LLC and the contact is Jim Grdich. The property is identified in the Buncombe County tax records as PIN 9629.14-34-9022.	
Staff Comments	Nate Pennington oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding applicability of hillside regulations.
Public Hearing Opened	5:16 PM
Applicant(s)/Applicant	Steve Bell provided a brief presentation about his project. He

Representative(s)	answered Commission questions about other projects and affordability.
Public Comments	
None	
Public Hearing Closed	5:18 PM
Commission Action	
Mr. Jones moved to recommend approval of the project. Mr. Hart seconded the motion. The motion passed unanimously (6-0).	

Agenda Item	
Consideration of the Conditional Zoning request for the project identified as <u>Vistas of Westfield</u> located on Dogwood Road. The conditional zoning request seeks the rezoning from RS4 (Residential Single-Family, Medium Density) district to RM6 CZ (Residential Multi-Family, Low Density Conditional Zoning) district for a 124-unit multifamily condominium development consisting of 2-unit, 4-unit, and 8-unit buildings. The applicant is also seeking a modification to a dimensional standard (setback). The owner is Vistas of Westfield, LLC and the contact is Chris Day. The property is identified in the Buncombe County tax records as PIN 9607.10-35-7558.	
Staff Comments	Blake Esselstyn oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding traffic, nearby County development, floodplain, and open space.
Public Hearing Opened	5:28 PM
Applicant(s)/Applicant Representative(s)	Chris Eller, applicant's representative, described the project and answered Commission questions about unit design and floodplain.
Public Comments	
Speaker Name	Issue(s)
In opposition <ul style="list-style-type: none"> - Heather Rayburn - Leslie Hollowell 	<ul style="list-style-type: none"> • Flood control • Traffic
Public Hearing Closed	5:49 PM
Commission Comments/Discussion	
There was Commission discussion and questions about traffic, setback modification and floodplain management.	
Commission Action	
Ms. Weeks moved to recommend approval of the project. Mr. Sizemore seconded the motion. The motion was approved unanimously (6-0).	

Agenda Item

Consideration of the Conditional Zoning request for the project identified as <u>Eagle's Landing</u> located at 179 Johnston Boulevard. The conditional zoning request seeks the rezoning from RM6 (Residential Multi-Family, Low Density) district to RS8 CZ (Residential Single-Family, Low Density Conditional Zoning) district for a 26-lot subdivision with setback, lot size, and open space modification requests. The owner is Tom Overholt and the contact is Eric McAbee. The <i>properties are</i> identified in the Buncombe County tax records as PINs 9628.07-58-2067, 9628.07-57-1758.	
Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions concerning stormwater, design of units, and number of modifications.
Public Hearing Opened	6:02 PM
Applicant(s)/Applicant Representative(s)	Tom Overholt described the project and its unique home design.
Public Comments	
Speaker Name(s)	Issue(s)
Jake Quinn	<ul style="list-style-type: none"> • Stormwater infrastructure • Density • Nature of conceptual plan process
Public Hearing Closed	6:08 PM
Commission Comments/Discussion	
Staff described the review process – TRC, P&Z, City Council considers the concept plan and then TRC reviews the final plan for full technical compliance. It is an approach that balances “political” approval with applicant expenses for technical expertise.	
Commission Action	
Ms. Weeks moved to recommend approval of the project. Mr. Jones seconded the motion. The motion passed unanimously (6-0).	

Agenda Item	
Request to rezone property located at <u>18 Meadow Road</u> from C I (Commercial Industrial) district to UP (Urban Place) district. The property owner is Alpha International Investment Group, Inc. and the contact is Rob Carlton. The property is identified as PIN 9648.19-51-3087.	
Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report.
Public Hearing Opened	6:15 PM
Applicant(s)/Applicant Representative(s)	Nathan Bryant provided photographs and drawings describing the site and indicated a desire to help implement the Wilma Dykeman Plan.
Public Comments	
None	
Public Hearing Closed	6:20 PM

Commission Comments/Discussion
None
Commission Action
Mr. Cannady moved to recommend approval of the rezoning. Ms. Weeks seconded the motion. The motion passed unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville: Steep Slope and Ridgetop Overlay District

Scott Shuford provided a presentation on the proposed ordinance, describing the changes since the February draft. He noted a number of late-arriving comments. Mr. Byers opened the public hearing at 6:30 PM. The following persons spoke:

Speaker Name(s)	Issue(s)
Mike Butrum (representing Board of Realtors and Homebuilders Association)	Commended staff. Supports ordinance with changes recommended by the Chamber of Commerce Development Sub-Committee. Noted formation of Mountain Area Council for Accountable Development.
Sarah Oram	Wants stronger control over visual impacts (LRV); concerned about density bonuses (too generous) and alternative landscaping option.
Mike Lewis	Likes new definitions section. Would like to see conversion table (slope %, slope degrees, slope ratio) added.
Heather Rayburn (representing Mountain Voices Alliance)	Provided photos of steep slope development. Concerned about density bonuses, removal of downhill side setback. Wants geotech survey on slopes of 20% or greater.
Jake Quinn	Concurred with everything Heather Rayburn had to say. Suggested an RS-1 zoning and better planning.
Chris Eller (representing CIBO)	Recommended a transfer of development rights provision to protect property rights while preserving slopes.
Robert Cox	Concerned about effects of ridgetop regulations on potential height of home on his property. Concerned about grading % and tree preservation.
Ann McMartin	Supports RS-1 zoning.
Tom Williamson (representing Biltmore Farms)	Presented illustrations showing 2220'/2500'/3000' elevation lines and effect on City of Asheville. Argued for Chamber of Commerce recommendation about where steep slope regulations should apply.
Julie Roepnack	Supports RS-1 zoning.
Janet Betke	Supports RS-1 zoning.

Chairman Byers closed the public hearing at 7:06 PM. He noted the following:

- The addition of a conversion table is a good idea.
- He felt the arguments for an RS-1 district were addressed in a “more refined” fashion through the density limits based on degree of slope in the ordinance.
- The alternative landscaping plan was a reasonable way to provide property owner flexibility while ensuring ordinance intent.
- He raised questions about the 2220’ provision.

Ms. Weeks expressed concern about the following, indicating a desire to postpone action:

- Density limits.
- Effect on affordability.
- 2220’ provision.
- Grading.
- Need for mapping information.
- Possible companion ordinance to recapture lost density through neighborhood infill.

Mr. Jones and Mr. Cannady raised property rights concerns and also expressed a desire to postpone action.

Mr. Sizemore felt the ordinance was fine with a few adjustments. He moved approval subject to adding Chamber of Commerce language about the point of application of slope regulations, applicability language, and roof water collection system bonus. He did not support the private road retaining wall exemption. Mr. Shuford indicated a desire to more fully explore some of the Chamber suggestions while expressing appreciation for the effort to move the ordinance forward. The motion died for lack of a second.

Mr. Hart wanted more time to evaluate the Chamber comments and safety issues. He moved to continue the item to the April 4 meeting with a bias for action at that time. The motion contained direction to staff to more fully explore the 2220’ issue, add the conversion table, and communicate a desire to receive written public comments by March 26 to allow time to take them into account. It was noted that the public hearing would continue at that meeting to allow additional comments to be received. The motion was seconded by Mr. Sizemore and carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville to Allow Signs for Homestays in the RS-2, RS4, and RS-8 Zoning Districts.

Scott Shuford presented the wording amendment staff report. Mr. Byers opened the public hearing at 8:04 PM. Barber Melton, representing CAN, indicated prior CAN recommendation for approval included a desire for there to be no signs in order to avoid walk-up/drive-by traffic. Grace Curry requested some form of disclosure about homestay location, arguing for smaller signs, neighbor notice and a City registry of homestays. Mr. Byers closed the public hearing at 8:11. Commission discussion indicated a desire to not allow homestay signs in single family districts and for there to be an official registry of legally-established homestays as a consumer awareness product to combat illegal

vacation rentals. Mr. Sizemore moved to recommend denial and requested staff to work on the registry idea. Mr. Jones seconded the motion which carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville: Open Space Requirements

Scott Shuford presented the wording amendment staff report. Mr. Byers opened the public hearing at 8:25 PM. Grace Curry suggested a requirement to connect adjoining areas of open space. Mr. Byers closed the public hearing at 8:27 PM. Mr. Shuford expressed support for Ms. Curry's idea as an "encouragement" rather than a requirement since some open space areas could not be compatibly connected. Mr. Hart moved to recommend approval of the item with the addition of language encouraging connectivity where practical and appropriate; the motion was seconded by Ms. Weeks and carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville: Retaining Wall Regulation

Scott Shuford recommended continuance since he had received a late-arriving comment that had not been evaluated. Mr. Sizemore moved to recommend continuance of the item; the motion was seconded by Mr. Jones and carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding Subdivision Standards.

Shannon Tuch provided a presentation on the proposed ordinance, suggesting an addition of language to address odd-shaped lots. Mr. Byers opened the public hearing at 8:45 PM. Barber Melton stated that she could see both sides of the gating issue. She recommended lowering the Level III threshold for subdivisions to 30 lots. Mike Plemmons suggested allowing gated communities on a case-by-case basis using a conditional use permit process. Grace Curry raised concerns about gates for a variety of reasons related to connectivity and segregation (economic and social). She felt gated unfairly represented Asheville as a dangerous community. Mr. Byers closed the public hearing at 8:50 PM. Mr. Cannady raised the property rights issue related to gating. Mr. Jones moved to continue the item. Mr. Sizemore and Ms. Weeks desired additional dialog on the gating issue. Mr. Jones withdrew his motion. Mr. Hart noted that the community was already segregated economically and socially without gates. Mr. Byers provided additional discussion, noting that there was a distinction between living where one pleased and the City's right to determine a connectivity issue. Mr. Sizemore moved to recommend approval of the ordinance except for the provisions related to gating which should be presented in a separate ordinance and the additional language suggested by Ms. Tuch being added. Mr. Jones seconded Mr. Sizemore's motion. The motion passed unanimously (6-0).

Other Business

Mr. Shuford went over a proposal to increase Level III thresholds to provide an incentive for certain City goals to be met. He noted that the report included some discussion information from the Planning and Economic Development Commission meetings on the proposal and asked the Commission to consider this information as they evaluated the concept. The item will be on the April 4, 2007 agenda for action. He also noted the Commission would take up the text amendments needed to implement Merrimon Avenue zoning changes on March 22, 2007. Zoning map adjustments would follow at a future point.

The Commission meeting was adjourned by consent at 9:15 PM.